

STATEMENT OF THE CASE

Larry Hellyer appeals his sentence following his conviction for Possession of Stolen Property, as a Class D felony, pursuant to a guilty plea. Hellyer presents a single issue for our review, namely, whether his sentence is inappropriate in light of the nature of the offense and his character.¹

We affirm.

FACTS AND PROCEDURAL HISTORY

On June 29, 2007, Hellyer and another man, both wearing ski masks, forcibly entered Yuanita Douglas' residence, threatened Douglas, her husband, and her son with a knife, and stole Douglas' purse and four pieces of jewelry. An acquaintance of Douglas' subsequently identified Hellyer as one of the robbers, and the State charged him with robbery, as a Class B felony. Hellyer entered into a plea agreement with the State, but the trial court rejected that plea. The State dismissed the robbery charge, but later charged Hellyer with theft, as a Class D felony. Hellyer ultimately pleaded guilty to possession of stolen property, as a Class D felony, and the trial court entered judgment accordingly. The plea agreement left sentencing to the trial court's discretion, and the court imposed the maximum sentence of three years. This appeal ensued.

DISCUSSION AND DECISION

Hellyer contends that his sentence is inappropriate in light of the nature of the offense and his character. Although a trial court may have acted within its lawful discretion in determining a sentence, Article VII, Sections 4 and 6 of the Indiana

¹ Hellyer sets out the standard of review relative to an abuse of discretion claim, but he does not present cogent argument in support thereof. As such, we address only his argument under Indiana Appellate Rule 7(B).

Constitution “authorize[] independent appellate review and revision of a sentence imposed by the trial court.” Roush v. State, 875 N.E.2d 801, 812 (Ind. Ct. App. 2007) (alteration original). This appellate authority is implemented through Indiana Appellate Rule 7(B). Id. Revision of a sentence under Appellate Rule 7(B) requires the appellant to demonstrate that his sentence is inappropriate in light of the nature of his offenses and his character. See Ind. Appellate Rule 7(B); Rutherford v. State, 866 N.E.2d 867, 873 (Ind. Ct. App. 2007). We assess the trial court’s recognition or non-recognition of aggravators and mitigators as an initial guide to determining whether the sentence imposed was inappropriate. Gibson v. State, 856 N.E.2d 142, 147 (Ind. Ct. App. 2006). However, “a defendant must persuade the appellate court that his or her sentence has met th[e] inappropriateness standard of review.” Roush, 875 N.E.2d at 812 (alteration in original).

Initially, we note that Hellyer does not make any argument that his sentence is inappropriate in light of the nature of the offense. Accordingly, he has waived appellate review of his sentence under Indiana Appellate Rule 7(B). See Williams v. State, 891 N.E.2d 621, 633 (Ind. Ct. App. 2008) (holding defendant waived Rule 7(B) argument where he did not present cogent argument that his sentence was inappropriate in light of his character).

Waiver notwithstanding, Hellyer’s sentence is not inappropriate in light of the nature of the offense. Douglas had just been released from the hospital and was resting in bed at the time of the robbery. In addition, Douglas’ husband is blind, and her son is mentally disabled. Hellyer and his associate threatened Douglas and her family with a

knife during the robbery. We cannot say that Hellyer's three-year sentence is inappropriate in light of those circumstances.

With regard to his character, Hellyer emphasizes that he was "dealt a raw hand" as a child, in that he was declared a CHINS and taken from his parents. Brief of Appellant at 7. And he stresses that he has "struggled with addictions." Id. But Hellyer has not demonstrated that he has made substantial efforts to address those addictions. And his criminal history is extensive, especially for a young man of twenty-four. Hellyer has three prior felony convictions and numerous juvenile adjudications. He was on probation at the time of the instant offense. We cannot say that Hellyer's three-year sentence is inappropriate in light of the nature of the offense or his character.

Affirmed.

BAKER, C.J., and KIRSCH, J., concur.